

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 18 - 34 are pending in the application. All claims stand rejected.

By the present amendment, claims 18, 20, 23 and 25 have been amended; claims 21, 33 and 34 have been cancelled without prejudice; and new claim 35 has been added to the application.

In the office action mailed January 24, 2008, claims 33 and 34 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. This rejection is now moot in view of the cancellation of claims 33 and 34.

Further, in the office action, claims 18 - 32 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,704,092 to Nicollet et al. or U.S. Patent No. 6,000,100 to Montgelard; and claims 33 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nicollet et al. or Montgelard.

The foregoing rejections based upon prior art are traversed by the instant response.

Claim 18 as amended herein is directed to a removable gripping device for a container, comprising: two members forming a gripper mounted on a gripping body in which one of the members forming a gripper is mobile and free to move in translation with respect to the gripping along a direction approximately parallel to a longitudinal direction of the gripping body between an open position and a closed position in which the members forming the gripper are adapted to grip an edge of the container, said gripping body having an internal cavity with a wall, displacement means for displacing the members forming the gripper with respect to each other, said displacement means

comprising a lever free to move in rotation with respect to the gripping body between an extended position and a retracted position in which the mobile member forming the gripper is in the closed position, and a transmission means extending between the lever and the mobile member forming the gripper adapted to displacing the mobile member forming the gripper in translation when the lever is pivoted, said displacement means being adapted to adjust a distance separating the two members forming the gripper in the closed position to a thickness of the gripped container when the lever is in the retracted position, a locking pin installed on the displacement means, said locking pin having a head, and when said lever is in said retracted position and the two members forming the gripper are in closed position adjusted to the thickness of the gripped container, said locking pin is positioned within said cavity so that said head is brought in contact with said wall by the mobile member forming a gripper that is urged by a spring.

In U.S. Patent Nos. 5,704,092 and 6,000,100, as indicated by the Examiner, the displacement means comprises a lever (feature 12 in the '092 patent and feature 5 in the '100 patent); the displacement means comprises a transmission means (link 20 in the '092 patent (cf. column 3, lines 27 to 40, where it is indicated that the link 20 of the first embodiment is adapted to displace the member 14; column 4, lines 28 to 39, where it is indicated that that the link leaf spring 20 of the second embodiment is adapted to displace the member 14, and column 1, lines 50 to 56 that recites the characteristics of column 4, lines 36 to 39) and link blade 6 in the '100 patent (cf. column 3, line 7 where the displacement means are referenced by the numbers 5 and 6, column 6, lines 29 to 32 where it is indicated that the link blade 6 is adapted to

displace the member 1)); and the displacement means are adapted to adjust the distance separating the two members forming the gripper in the closed position to the thickness of the gripped container when the lever is in the retracted position (in the '092 patent, this is done either by the compensator spring 19 in the first embodiment, or by the leaf spring 20 in the second embodiment; in the '100 patent, this done by the link blade 5).

But in the two cited and applied references, contrary to the statement by the Examiner, there is no locking pin. In applying the '092 patent, the Examiner considers that the "locking means 16" is a locking means in the sense of the present application. But as indicated in column 3, lines 8 to 11, the locking means are adapted to hold the members forming a gripper in the closed position. In column 3, lines 43 to 53 and column 4, lines 53 to 61, it is indicated how the locking means, and more precisely the link 20, holds the mobile member in the closed position, and in column 4, lines 1 to 9 how to displace the mobile member from its closed position. These explanations correspond to the explanation of a toggle joint mechanism. The "locking means" is a part of the displacement means and means that the displacement means is stable both when the lever is in the extended position (the members forming the gripper being in the open position) and when the lever is in the retracted position (the members forming the gripper being in the closed position), cf. claim 1.

The Examiner considers that the release button 24 is a locking pin (a part of the locking means in the sense of the present application). But, as indicated, the release button 24 is used to move the lever from the stable retracted position up to the unstable equilibrium position of the lever in order for the return spring to move the lever to the extended position.

As it can be seen in Figures 1 and 2, the mobile member forming the gripper 14 has a slot through which the press button 24 extends when the lever 12 is in the retracted position in order to attain the opening 25 of the body 11. But the length of the slot is too important and whatever the position of the mobile member is (and whatever the position of the lever is), the mobile member 14 cannot exert any pressure on the button 24. As it can be seen in Figure 2 (the mobile member being in an adjusted closed position), it is possible to spread the two members forming the gripper 13, 14, by tilting the gripped container 3, the link 20 being thus displaced in the direction of the container and the compensator spring 19 being compressed (the release button 24 is not compressed between a wall of the opening 25 and the mobile member forming the gripper 14).

There is no locking pin that, when the lever is in the retracted position and the mobile member forming the gripper is in the adjusted closed position: (i) the locking pin bears in contact a wall that delimits a cavity realized in the gripping body; and (ii) the locking pin is pressed by the mobile member forming the gripper that is urged by a spring. Of course, on account that there is no locking means preventing an extension of the distance separating the two members forming the gripper when said member are in their adjusted closed position, the lever being in the retracted position.

In the '100 patent, the Examiner considers that the "locking means" is a locking means in the sense of the present application. But, as indicated in column 1, lines 31 and 32, the locking means are adapted to hold the members forming a gripper in the closed position, and as indicated in column 4, lines 39 to 44, the means that hold the member in the closed position (the "locking means") is the link blade 6. The link

blade 6 corresponds to the link 20 in the '092 patent as indicated in column 3, lines 63 to 65. In column 3, lines 56 to 62 and column 4, lines 37 to 45, it is indicated how the locking means, and more precisely the link blade 6, hold the mobile member in the closed position, and in column 4, lines 46 to 49 how to displace the mobile member from its closed position. These explanations correspond to the explanation of a toggle joint mechanism. The "locking means" is part of the displacement means and means that the displacement means is stable both when the lever is in the extended position (the members forming the gripper being in the open position) and when the lever is in the retracted position (the members forming the gripper being in the closed position).

The Examiner considers that there is a locking pin (that is a part of the locking means in the sense of the present application). But, as it can be seen in figure 6, the "locking pin" is in contact with no one of the part of the body 3 and it is not disclosed that the mobile member in the adjusted position exerts a pressure on the pin. Referring to figure 3, there is a unique step in the wall delimiting the "locking pin" in the direction of the right, and this step is at the level of the upper limit of the elongated arm of the lever (the arm joining the two extremities 5a and 5b of the lever)> In figure 6, the "locking pin" may be divided into three parts: the base that extends at the level of the arm of the lever, the top that extends at the level of the slot in the mobile member, and the intermediate part at the level of the clearance between the arm and the mobile member (the base is thus below the step and the two other parts are above it). Consequently, in figure 6, the very thick thickness of the line delimiting the "locking pin" on the right is due to the fact that the locking pin is close to an

extremity of the slot in the mobile member (the right delimitation at the head of the "locking pin" is in the direct prolongation of the delimitation of the locking pin at the level of the clearance between the level and the mobile member), but there is no contact between the "locking pin" and the mobile member. Thus, the mobile member cannot exert any pressure on the "locking pin," and, even if such a pressure would be exerted, the "locking pin" does not bear on any part of the body. As it can be seen in Figure 6, (the mobile member being in an adjusted closed position), it is possible to spread the two members forming the gripper 1,2 by tilting the gripped container 4, the link blade 6 being thus displaced compressed (and the "locking pin" is not compressed between a wall of the body 3 and the mobile member forming the gripper 2).

In other words, both references lack any locking pin that when the lever is in the retracted position and the mobile member forming the gripper is in the adjusted closed position: (i) the locking pin bears in contact a wall that delimits a cavity realized in the gripping body; and (ii) the locking pin is pressed by the mobile member forming the gripper that is urged by a spring. And, of course, on account that there is no locking means preventing an extension of the distance separating the two members forming the gripper when said member are in their adjusted closed position, the lever being in the retracted position.

Therefore, neither of the cited and applied references teaches or suggests the subject matter of amended claim 18.

Dependent claims 19, 20, 22 - 32, and 35 are allowable for the same reasons as claim 18, as well as on their own accord.

For the foregoing reasons, the instant application is believed to be allowable. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' attorney at the telephone number listed below.

A request for a two month extension of time is hereby requested. The commissioner is hereby authorized to charge the extension of time fee in the amount of \$460.00 to Deposit Account No. 02-0184.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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